United Nations CRC/C/PAN/CO/5-6

Convention on the Rights of the Child

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Committee on the Rights of the Child

Concluding observations on the combined fifth and sixth periodic reports of Panama*

I. Introduction

1. The Committee considered the combined fifth and sixth periodic reports of Panama (CRC/C/PAN/5-6) at its 2258th and 2259th meetings (see CRC/C/SR.2258 and 2259), held on 17 and 18 January 2018, and adopted the present concluding observations at its 2282nd meeting, held on 2 February 2018.

2. The Committee welcomes the submission of the combined fifth and sixth periodic reports of the State party and the written replies to the list of issues (CRC/C/PAN/Q/5-6/Add.1), which allowed for a better understanding of the situation of children's rights in the State party.[1] The Committee expresses appreciation for the constructive dialogue held with the multisectoral delegation of the State party.

II. Follow-up measures taken and progress achieved by the State party

3. The Committee welcomes the progress achieved by the State party in various areas, including the ratification of or accession to international instruments, in particular the ratification of the Optional Protocol to the Convention on the Rights of the Child on a communications procedure. The Committee notes with appreciation the legislative, institutional and policy measures adopted to implement the Convention, in particular the establishment of a minimum age of marriage at 18 years and targeted initiatives to promote birth registration. It also welcomes the initiation of the deinstitutionalization process.

III. Main areas of concern and recommendations

4. The Committee reminds the State party of the indivisibility and interdependence of all the rights enshrined in the Convention and emphasizes the importance of all the recommendations contained in the present concluding observations. The Committee would like to draw the State party's attention to the recommendations concerning the following areas, in respect of which urgent measures must be taken: legislation (para. 6); non-discrimination (para. 16); violence, abuse, neglect and sexual exploitation (para. 23); adolescent health (para. 31); education (para. 34) and administration of juvenile justice (para. 40).

* Adopted by the Committee at its seventy-seventh session (15 January–2 February 2018).

[1] The term "children" encompasses anyone under the age of 18, including adolescents. In Spanish, "children" should be rendered as "niños, niñas y adolescentes".

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A. General measures of implementation (arts. 4, 42 and 44 (6))

Legislation

5. The Committee notes advancements made in the process of adoption of a bill establishing a system of guarantees and comprehensive protection for the rights of children and adolescents, but is concerned that this law has not yet been adopted. It is particularly concerned about the systematic limitation of children's rights by the State party, depicting children as violent and in need of protection and guidance, rather than as rights holders, and about the impact of this view on the realization of their rights.

6. The Committee reiterates its previous recommendation (see CRC/C/PAN/CO/3-4, para. 10) and urges the State party to expedite the adoption of a comprehensive law on children's rights where children are recognized as rights holders rather than as objects of protection, in line with the provisions and principles of the Convention and in accordance with the Committee's general comment No. 5 (2003) on general measures of implementation of the Convention. The Committee also recommends that the State party ensure adequate and sufficient allocation of human, technical and financial resources for the implementation of this law and for the establishment of the system of guarantees and comprehensive protection for the rights of children and adolescents at the national, provincial and municipal levels.

Comprehensive policy and strategy

7. The Committee, taking note of the various sectoral plans promoting children's rights, encourages the State party to accelerate the establishment of a comprehensive policy and strategy to promote, protect and fulfil the rights of children and adolescents in all areas covered by the Convention at the national, provincial and municipal levels, as previously recommended. It also recommends that the State party mainstream children's rights in its strategic and development plans.

Coordination

8. Noting that the National Council for Comprehensive Care in Early Childhood and the National Secretariat for Children, Young Persons and the Family are chaired by the Ministry of Social Development and welcoming efforts made for the decentralization of the latter, the Committee recalls its previous concluding observations (see CRC/C/PAN/CO/3-4, para. 12) and urges the State party to merge them both in a single high-level interministerial body with a clear mandate and sufficient authority to coordinate the activities related to the implementation of the rights of all children at the cross-sectoral, national, province and municipal levels. The Committee also reiterates its recommendation that the State party should ensure that the said coordinating body is provided with the necessary human, technical and financial resources for its effective operation.

Allocation of resources

9. Concerned about insufficient measures taken to apply the State party's economic growth for the benefit of children, particularly of children in disadvantaged or vulnerable situations, the Committee recommends, with reference to its general comment No. 19 (2016) on public budgeting for the realization of children's rights, that the State party introduce a child rights perspective into its budgeting process at the national and provincial level, including by:

(a) Conducting a comprehensive assessment of the budget needs of all children, at the central and municipal levels, taking into account their age, gender and situations of vulnerability;

(b) Defining budgetary lines for children, and specific lines for children in situations of vulnerability, and disbursing public funds in a non-discriminatory manner;

(c) Introducing specific indicators and a tracking system for the allocation and use of resources for children throughout the budget to monitor and evaluate the adequacy, efficacy and equitability of the distribution of resources allocated for implementation of the Convention. This tracking system should be used for impact assessments on how investments in any sector may serve the best interests of the child, and to measure the differential impact of such investment on girls and boys;

(d) Combating tax evasion to ensure that children fully benefit from the economic development of the State party, and guaranteeing transparent and participatory budgeting and including children in such processes;

(e) Strengthening institutional capacities to effectively detect, investigate and prosecute corruption and increasing transparency and accountability with regard to public expenditure across all sectors and levels, in line with target 16.5 of the Sustainable Development Goals on substantially reducing corruption;

(f) When possible, following United Nations recommendations to start results-based budgeting to monitor and assess the effectiveness of resource allocation and, if necessary, seeking international cooperation to this effect from the United Nations Children's Fund (UNICEF), the United Nations Development Programme and other stakeholders, as is being provided to other States parties in the region.

Data collection

10. The Committee regrets the lack of continuity in existing mechanisms to collect data on the realization of children's rights, and recommends, with reference to its general comment No. 5 (2003) on general measures of implementation of the Convention, that the State party:

(a) Ensure continuity in the collection of comparable disaggregated data for all areas of the Convention, that the data is disaggregated by age, sex, disability, geographic location, ethnic origin and socioeconomic background, and that it is updated regularly, to facilitate analysis on the situation of all children, particularly those in situations of vulnerability;

(b) Provide the National Statistics and Census Institute with the necessary human, technical and financial resources to function as the central data collection unit, guarantee continuous data collection and regularly publish reports;

(c) Ensure that the data and indicators are shared among the ministries concerned and are used for the formulation, monitoring and evaluation of policies, programmes and projects for the effective implementation of the Convention;

(d) Take into account the conceptual and methodological framework set out in the Office of the United Nations High Commissioner for Human Rights (OHCHR) report entitled *Human Rights Indicators: A Guide to Measurement and Implementation* when defining, collecting and disseminating statistical information.

Independent monitoring

11. With reference to its general comment No. 2 (2002) on the role of independent national human rights institutions in the promotion and protection of the rights of the child and recalling its previous concluding observations (see CRC/C/PAN/CO/3-4, para. 15), the Committee recommends that the Children and Young Persons Unit of the Ombudsman's Office be provided with the necessary human, technical and financial resources to effectively monitor, promote and protect children's rights in all provinces, to provide for the activity of provincial offices in Ngäbe-Buglé and Emberá provinces and to deal with complaints from children in a child-sensitive and expeditious manner. It also recommends that the State party continue making efforts to ensure that the Ombudsman's Office is in full conformity with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles).

Dissemination, awareness-raising and training

12. The Committee recommends that the State party raise awareness regarding the rights enshrined in the Convention and the Optional Protocols thereto, inter alia through systematic and continuous awareness-raising programmes and campaigns specifically targeting children, parents, and professionals who work with and for children, by promoting the active involvement of children in public outreach activities and by reinforcing child-friendly media engagement. The Committee also reiterates its recommendation (see CRC/C/PAN/CO/3-4, para. 22) that public officials, especially those in higher positions, set the example by speaking out publicly for children's rights as an essential part of human rights.

Cooperation with civil society

13. The Committee reminds the State party that human rights defenders work for the realization of children's rights and that they deserve special protection. It strongly recommends that non-governmental organizations and their representatives, human rights defenders and journalists be permitted to exercise their right to freedom of expression and opinion without threats and harassment. The Committee also recommends that the State party facilitate the involvement of civil society in the formulation, implementation and monitoring of public policies and programmes regarding children's rights, including by increasing the accessibility of registration procedures and establishing mechanisms to avoid conflicts of interest arising in the collaboration between civil society and government.

Children's rights and the business sector

14. With reference to its general comment No. 16 (2013) on State obligations regarding the impact of the business sector on children's rights, the Committee recommends that the State party:

(a) Take measures to prevent evictions and displacement of indigenous families and children, ensure that the policies, projects and practices on development and governance of land, including those which may entail relocation, are in line with relevant international standards and provide redress to those families and children evicted or displaced from their lands, including those affected by construction of the Barro Blanco Dam on the Tabasará River;

(b) Apply without exception the provisions of Act No. 81 of 2 August 2016 which establishes a requirement for consultations with, and the free, prior and informed consent of, indigenous peoples, and include children in the consultations, when considering legislative or administrative measures that would affect their collective rights;

(c) Guarantee full public disclosure of the environmental, health-related and human rights impacts of planned projects and activities, as well as of plans to address such impacts, and ensure consistent consideration of the results of environmental impact assessments of investment projects;

(d) Establish a clear regulatory framework for electric, mining, agro-industrial, tourism and other investment projects, banks and companies operating in the State party, as well as for Panamanian companies operating abroad, to ensure that their activities do not negatively affect children's rights or endanger environmental and other standards;

(e) Collaborate with the National Council of Private Enterprises and the Association for the Promotion of Corporate Social Responsibility to ensure effective implementation by companies — especially banks and industrial and tourism companies — of international and national standards on children's rights and of environmental and health standards, and guarantee that appropriate international certification is sought. Also, effectively monitor the implementation of these standards, sanction violations appropriately and provide remedies when such violations occur;

(f) Establish and implement a regulatory framework explicitly preventing and aiming to eliminate child sexual exploitation in travel and tourism, criminalize it, and incorporate sanctions commensurate with the gravity of the crime;

(g) Adopt adequate preventative measures to combat child sexual exploitation in travel and tourism, including within the framework of the agreement between the National Commission for the Prevention of Commercial Sexual Exploitation and the Panamanian Hotels Association, raise awareness to change attitudes, encourage reporting of such activities, and widely disseminate the charter of honour for tourism and the World Tourism Organization global code of ethics for tourism among travel agents in the tourism industry.

B. General principles (arts. 2, 3, 6 and 12)

Non-discrimination

15. The Committee reiterates its concern (see CRC/C/PAN/CO/3-4, para. 33) at the continued disparities affecting Afro-Panamanian and indigenous children and children with disabilities with regard to access to health care, education and other basic services, as is made evident by their higher rates of infant mortality, especially due to preventable diseases, and of malnutrition, maternal mortality and school dropout. It is also seriously concerned at discrimination by police and other security forces against Afro-Panamanian children living in marginalized urban neighbourhoods, who are wrongly perceived as potential delinquents, as a result of such measures as curfews for children and mass media campaigns linking adolescents to alleged increases in criminality.

16. **The Committee recalls its previous concluding observations (see CRC/C/PAN/CO/3-4, para. 34) and recommends, in line with its general comment No. 20 (2016) on the implementation of the rights of the child during adolescence, that the State party allocate adequate human, technical and financial resources for the implementation of the inter-agency strategic plan for young people 2015–2019, disseminate this plan, and reinforce measures to:**

(a) Encourage the development of a code of conduct for media personnel and journalists, and strengthen their capacities to promote the coverage of adolescents as rights holders;

(b) Guarantee continuous monitoring of the depiction of children and adolescents in the media, by the Observatory for the Rights of Children and Young Persons and the National Council of Journalism;

(c) Take all measures to combat the negative association of Afro-Panamanian and other adolescents with crime, including negative stereotyping based on age and ethnicity, and, in particular, reinforce training of police officers on the rights of all children;

(d) Ensure that all cases of discrimination against children are addressed effectively, including by disseminating accessible information about what constitutes discrimination, establish disciplinary, administrative or, if necessary, penal sanctions, and guarantee children's access to psychosocial and legal counselling in cases of discrimination;

(e) Raise awareness of the fact that adolescents are rights holders, including through campaigns that are designed with the full participation of adolescents and are disseminated through the mass media. Focus especially on children and adolescents from Afro-Panamanian and indigenous communities, pregnant girls, children with disabilities, children with HIV/AIDS, lesbian, gay, bisexual, transgender and intersex children, refugee and asylum-seeking children and other groups of children in marginalized situations, through such campaigns.

Respect for the views of the child

17. The Committee notes the establishment of two councils of children and adolescents in municipalities and recommends that the State party strengthen efforts to give due consideration to children's and adolescents' views in decisions that concern them, in accordance with its general comment No. 12 (2009) on the right of the child to be heard, and that it:

(a) Grant adequate support to all municipalities throughout the State party to establish councils of children and adolescents, ensure that they are able to consult with children and adolescents on issues that affect them and give due weight to their views;

(b) Institutionalize the Children's Parliament as a regular event, combining its action with the Youth Assemblies Programme (*Programa Asambleas Juveniles*). Ensure that these mechanisms are provided with a meaningful mandate and adequate human, technical and financial resources, and that eligible children from Afro-Panamanian and indigenous communities, pregnant girls, children with disabilities, children with HIV/AIDS, lesbian, gay, bisexual, transgender and intersex children, refugee and asylum-seeking children and other groups of children in situations of vulnerability are able to fully participate and that their views are taken into account when defining the legislative agenda and national policies;

(c) Conduct research to determine how the voices of children and adolescents are heard in family decisions affecting their lives, and the channels through which they currently and potentially have the most influence on national and local decision-making;

(d) Develop toolkits for regular public consultations on national policy development, such as the UNICEF study "The voice of adolescents", to standardize such consultations at a high level of inclusiveness and participation;

(e) Establish systems and/or procedures for social workers and courts to comply with the right of the child to be heard;

(f) Conduct programmes and awareness-raising activities to promote the meaningful and empowered participation of all children within the family, the community and schools, including within student councils, with particular attention to children in vulnerable situations.

C. Civil rights and freedoms (arts. 7, 8 and 13–17)

Birth registration

18. Welcoming targeted action undertaken to end underregistration among indigenous peoples and in remote areas, and taking note of target 16.9 of the Sustainable Development Goals on providing legal identity for all, including birth registration, the Committee urges the State party to continue efforts to ensure that all children, including indigenous children, refugee children and children of migrant parents, are duly registered at birth. The Committee also recommends that the requirement for adolescents from the age of 12 years on to carry the new youth identity cards be reviewed to ensure that it does not result in the arbitrary detention of members of any group of adolescents.

Freedom of association and peaceful assembly

19. Concerned at the preservation of the curfew for children and the impact of its recent extension from Panamá Province to Chiriquí, Colón and Panamá Oeste Provinces on children, the Committee reiterates its previous concluding observations (see CRC/C/PAN/CO/3-4, paras. 41 and 42) and, reaffirming that it is of the strong view that curfew measures targeted at children go against the provisions set forth in the Convention, urges that these be immediately lifted.

20. **The Committee also recommends that the State party re-establish the authorization to form student groups in order to grant adolescents the right to peaceful assembly, in line with article 15 of the Convention.**

D. Violence against children (arts. 19, 24 (3), 28 (2), 34, 37 (a) and 39)

Corporal punishment

21. **The Committee is concerned at indications in the State party report that 44.9 per cent of children under 14 years of age experienced some form of violent discipline in 2013, and urges the State party, with reference to its general comment No. 8 (2006) on the right of the child to protection from corporal punishment and other cruel or degrading forms of punishment, to its previous concluding observations (see CRC/C/PAN/CO/3-4, para. 46) and to the State party's commitments under both cycles of the universal periodic review, to:**

(a) **Revise articles 319 and 443 of the Family Code and explicitly prohibit, through legislative and administrative provisions, the use of corporal punishment in all settings, namely in schools, in childcare institutions, including early childhood care institutions, in alternative care settings, in the home and in juvenile detention centres;**

(b) **Reinforce measures to raise the awareness of parents, professionals working with children and the public in general about the harm caused by corporal punishment, and promote positive, non-violent and participatory forms of child-rearing and discipline;**

(c) **Seek technical assistance from UNICEF in that regard, including on child-friendly school programmes.**

Violence, abuse, neglect and sexual exploitation

22. The Committee is alarmed at the indication in the State party's written replies to the list of issues that 9,656 children were victims of abuse and neglect between 2014 and 2018, at the sexual freedom and integrity of 10,466 children having been infringed between 2015 and 2017, and at the fact that those numbers are growing each year. Welcoming the renewal of the mandate of the National Intersectoral Committee for the Prevention of Violence against Children and Young Persons, it expresses concern at the continuing absence of a comprehensive national mechanism to collect data on violence against children and of a strategic State vision to tackle this issue. It is also concerned about the limited services and staff available to guarantee the full recovery and rehabilitation of child victims of violence.

23. **The Committee recommends, with reference to its general comment No. 13 (2011) on the right of the child to freedom from all forms of violence and taking note of target 16.2 of the Sustainable Development Goals on ending abuse, exploitation, trafficking and all forms of violence against and torture of children, that the State party:**

(a) **Continue raising awareness about domestic violence and how to prevent it, as well as about child abuse and sexual abuse, and combat the stigmatization of child victims of violence, sexual exploitation and abuse. Such awareness-raising should tackle the gender dimensions of violence and involve former child victims, volunteers, and community members;**

(b) **Establish accessible, confidential, child-friendly and effective mechanisms, procedures and guidelines to ensure reporting of cases of sexual exploitation and abuse, including in schools and public institutions;**

(c) **Establish a national database on all cases of violence against children, including domestic and sexual violence, and undertake a comprehensive assessment of the extent, causes and nature of such violence;**

(d) **Allocate adequate human, technical and financial resources to the Rights Protection Special Unit of the National Secretariat for Children, Young Persons and**

the Family, to enable this unit to adopt a holistic approach to recovery, efficiently grant psychological support to child victims and realize investigations into alleged cases of abuse, mistreatment and violence;

(c) Take the necessary measures to enable the National Intersectoral Committee for the Prevention of Violence against Children and Young Persons to develop — in consultation with civil society, children and adolescents — a national strategy to prevent and address all forms of violence against and abuse of children. This strategy should address the root causes of such violence and be based on community-based programmes involving former victims, volunteers, and community members.

Harmful practices

24. **The Committee recommends, with reference to its general comment No. 18 (2014) on harmful practices, adopted jointly with the Committee on the Elimination of Discrimination against Women, that the State party:**

(a) Raise awareness on the harmful effects of the practice of cohabitation between girls and older men, and especially of early pregnancies and their repercussions, on the physical and mental health and well-being of girls;

(b) Investigate the possible existence of female genital mutilation in its indigenous population in the border area with the Colombian coast and — if the findings prove the existence of this practice on the territory of the State party — take the necessary measures to end the practice.

Helplines

25. **The Committee reiterates its previous concluding observations (see CRC/C/PAN/CO/3-4, para. 73) and recommends that the State party take adequate measures to guarantee availability of the 147 helpline and other helplines to all children throughout the State party, 24 hours a day and 7 days a week. The Committee also recommends that the State party promote awareness about how children can access such helplines.**

E. Family environment and alternative care (arts. 5, 9–11, 18 (1) and (2), 20, 21, 25 and 27 (4))

Children deprived of a family environment

26. **Drawing attention to the Guidelines for the Alternative Care of Children (see General Assembly resolution 64/142, annex), the Committee emphasizes that financial and material poverty — or conditions directly and uniquely attributable to such poverty — should never be the sole justification for removing a child from parental care, for receiving a child into alternative care or for preventing a child's social reintegration. In this regard, the Committee recommends that the State party:**

(a) Ensure adequate safeguards and clear criteria, based on the needs as well as the best interests of the child, for determining whether a child should be placed in alternative care;

(b) Strengthen efforts to accelerate reduction of the number of institutionalized children, including by allocating adequate human, technical and financial resources to allow reduction of delays in investigations and in the processing of files, extending the deinstitutionalization process to public institutions, encouraging foster families to adopt children regardless of their age or disability and providing the necessary training and support to suitable families to appropriately take care of a child with a disability;

(c) Strengthen efforts to train shelter staff on the implementation of the Protocol for Dealing with Children without Parental Care in Shelters and allocate

adequate human, technical and financial resources for the monitoring of its implementation;

(d) Accelerate the regularization of shelters;

(e) Ensure proper regulation of the foster care system and fully implement the Foster Care Programme.

Adoption

27. **The Committee recommends that the State party involve civil society in the revision of provisions of the Adoption Act and ensure its full compliance with the provisions of the Convention on the Rights of the Child and the Hague Convention on Protection of Children and Cooperation in respect of Intercountry Adoption, of 1993.**

F. Disability, basic health and welfare (arts. 6, 18 (3), 23, 24, 26, 27 (1)–(3) and 33)

Children with disabilities

28. **Welcoming the adoption of the National Strategic Plan 2015–2019 on the subject of disability, the Committee recommends, with reference to its general comment No. 9 (2006) on the rights of children with disabilities, that the State party:**

(a) Reinforce measures to develop inclusive education, including by allocating adequate financial resources for their implementation, increasing the number of trained and assigned specialized teachers and professionals in inclusive classes in rural and indigenous areas, and ensuring that inclusive education is given priority over the placement of children in specialized institutions and classes;

(b) Strengthen efforts to grant all children with disabilities access to adequate housing guaranteeing physical safety, adequate space, protection against threats to health and against structural hazards, including cold, damp, heat and pollution, and accessibility;

(c) Take immediate measures to ensure that children with disabilities throughout the country have access to appropriate health care, including to early detection and intervention programmes and to social services;

(d) Undertake awareness-raising campaigns aimed at government officials, the public and families to combat stigmatization of and prejudice against children with disabilities, and promote a positive image of such children;

(e) Develop family support mechanisms to enable families to help children with disabilities to exercise their rights, including mechanisms addressing women in detention who are responsible for children with disabilities;

(f) Reinforce the advocacy for a rights-based approach for the promotion of services for children with disabilities through all State policies and programmes.

Health and health services

29. **With reference to its general comment No. 15 (2013) on the right of the child to the enjoyment of the highest attainable standard of health and taking note of target 3.8 of the Sustainable Development Goals on achieving universal health coverage, the Committee recommends that the State party:**

(a) Reinforce measures to guarantee access to quality health care in regions and communities with the lowest coverage in order to redress the sharp inequalities in health standards, including by ensuring that indigenous children have access to culturally sensitive health services in their language;

(b) Strengthen efforts to provide prenatal and postnatal care to address the high rates of mortality of infants and children aged 5 years and younger, and the still-high maternal mortality rates;

(c) **Promote workplace support for mothers in relation to pregnancy and the sharing of childcare responsibility between fathers and mothers, and guarantee access to feasible and affordable childcare services;**

(d) **Reinforce awareness-raising on and fully implement the International Code of Marketing of Breast-milk Substitutes, and ensure that clinics and hospitals follow the Ten Steps to Successful Breastfeeding;**

(e) **Strengthen the National Commission for the Promotion of Breastfeeding and support mothers through counselling structures;**

(f) **Take specific measures to disseminate information on and guarantee access to special services for children affected by the Zika infection in all regions of the country, and to avoid discrimination against them;**

(g) **Regularly monitor and assess the effectiveness of policies and programmes on child food security and nutrition, including school meal programmes and initiatives promoting access to safe drinking water, and promote initiatives targeting indigenous peoples;**

(h) **Increase the coverage of the Basic Sanitation: 100 Per Cent Safe Drinking Water/Zero Latrines programme, especially in the Ngäbe-Buglé, Kuna de Wargandí and Emberá Wounaan areas, in those inhabited by the Naso and the Bribri, in Ipetí, in Piriatí, and in Bocas del Toro and Punta Laurel townships.**

Adolescent health

30. The Committee is concerned at the suspension of the debate in the National Assembly on bill No. 61, which called for policies on comprehensive education, health care and health promotion, especially with regard to sexual and reproductive health. It is highly concerned about the absence of specific education on sexual and reproductive health in schools. Noting the adoption of Act No. 60 on pregnant adolescents and the corresponding road map, the Committee remains concerned that girls below the age of 19 accounted for 18.7 per cent of reported pregnancies in 2016 and that prenatal care rates in adolescents remain low. It is also concerned about the high numbers of pregnant girls dropping out of school, the limited availability of adolescent-friendly health services and the high rates of sexually transmitted diseases.

31. **With reference to its general comment No. 4 (2003) on adolescent health and development in the context of the Convention, the Committee recommends that the State party:**

(a) **Reinitiate the dialogue on a proposed law on sexual and reproductive education in order to integrate sexual and reproductive health education directed at adolescents into mandatory school curricula;**

(b) **Adopt a comprehensive gender-sensitive communication strategy on sexual and reproductive health targeting adolescents, parents and society at large, and provide free, confidential, adolescent-responsive and non-discriminatory information on sexuality and reproduction, both online and in person, paying special attention to preventing early pregnancy and sexually transmitted infections;**

(c) **Guarantee adolescents easy access to affordable contraceptives;**

(d) **Allocate sufficient human, technical and financial resources to the National Council for the Care of Adolescent Mothers to implement effectively the provisions of Act No. 60 on pregnant minors and the corresponding road map, and raise awareness of its content, especially on the right of pregnant girls to education;**

(e) **Decriminalize abortion in all cases, ensure that girls have access to safe abortion and post-abortion services, and review legislation to safeguard the best interests of pregnant girls and ensure that their views are always heard and are given due consideration in abortion-related decisions;**

(f) **Develop the range of youth-friendly health services, including general medical, dental, nursing and gynecological attention, nutrition counselling and mental health support.**

HIV/AIDS

32. **With reference to its general comment No. 3 (2003) on HIV/AIDS and the rights of the child, as well as to target 3.3 of the Sustainable Development Goals, the Committee recommends that the State party increase efforts to implement its 90-90-90 strategy and:**

(a) **Ensure that children and adolescents have access, without being accompanied by a parent or a guardian, to confidential HIV testing and counselling, and to evidence-based quality HIV prevention and treatment, especially in rural and indigenous areas;**

(b) **Address shortages of and improve access to antiretroviral therapy, and access to follow-up treatment for HIV-infected children and their mothers;**

(c) **Sustain measures to prevent mother-to-child transmission of HIV/AIDS and develop a road map to implement effective preventive measures, early diagnosis and early initiation of treatment;**

(d) **Seek technical assistance from, inter alia, the Joint United Nations Programme on HIV/AIDS (UNAIDS) and UNICEF.**

G. Education, leisure and cultural activities (arts. 28–31)

Education, including vocational training and guidance

33. The Committee is concerned about:

(a) Slow progress in educational coverage at the preschool and basic levels, especially the recent regression in participation in primary school and the general increase in the school dropout rate;

(b) Very low enrolment rates of indigenous children in education, especially in secondary and higher education;

(c) Family income remaining a determining factor in school dropout;

(d) The current budget allocation resulting in a reduction in the qualification level of teachers and in insufficient educational infrastructure.

34. **With reference to its general comment No. 1 (2001) on the aims of education and taking note of target 4.1 of the Sustainable Development Goals which aims to ensure that all girls and boys complete free, equitable and quality primary and secondary education, the Committee recommends that the State party:**

(a) **Reinforce efforts to increase the coverage and quality of educational services at all levels, and of comprehensive early childhood services;**

(b) **Further strengthen and allocate adequate resources to the Bilingual Intercultural Educational Programme and the My School First programme to improve the participation of indigenous children in education;**

(c) **Strengthen and systematize measures to address school dropout at all levels, taking into consideration the particular reasons for such dropout;**

(d) **Allocate additional resources to the educational sector to improve the quality of teaching, especially in indigenous and rural areas, and consider using the infrastructure budget, rather than the education budget, to pay for the much-needed infrastructural improvements.**

H. Special protection measures (arts. 22, 30, 32, 33, 35, 36, 37 (b)–(d) and 38–40)

Migrant, asylum-seeking and refugee children

35. **The Committee recalls its previous concluding observations (see CRC/C/PAN/CO/3-4, para. 65) and recommends, in line with its general comments No. 22 (2017) on the general principles regarding the human rights of children in the context of international migration and No. 23 (2017) on State obligations regarding the human rights of children in the context of international migration in countries of origin, transit, destination and return, issued jointly with the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families, that the State party:**

(a) **Ensure the effective participation of migrant, asylum-seeking and refugee children in all decisions that concern them;**

(b) **Take all necessary measures to avoid immigration detention of children and guarantee that the best interests of the child are taken as a primary consideration in immigration law, in the planning, implementation and assessment of migration policies, and in decision-making in individual cases, in particular with respect to non-refoulement obligations;**

(c) **Expedite the adoption and implementation of protocols establishing a child-sensitive inter-institutional refugee status determination procedure which includes specific safeguards for unaccompanied asylum-seeking and refugee children, especially in border areas;**

(d) **Take measures to ensure that asylum-seeking and refugee children have access to education, in line with article 91 of the Constitution of the State party, including by granting them access to the *Beca Universal*;**

(e) **Develop campaigns to counter hate speech against asylum seekers and refugees, particularly children.**

Children belonging to minorities and indigenous children

36. **In line with its general comment No. 11 (2009) on indigenous children and their rights under the Convention, the Committee recommends that the State party:**

(a) **Develop a national action plan for and with the full and effective participation of indigenous, Afro-Panamanian and rural children as a framework for efforts to improve the access of children from the communities concerned to quality health and educational services, to eliminate their food insecurity and their vulnerability to violence and exploitation, and to reduce discrepancies in standards of living within the State party;**

(b) **Allocate adequate resources for the realization of this national action plan and prioritize investments in services and infrastructure in rural, indigenous and deprived urban areas;**

(c) **Consult and cooperate with the indigenous peoples concerned, including indigenous children, to obtain their free, prior and informed consent before adopting and implementing legislative or administrative measures that may affect them, and provide effective remedies in cases of violation of their rights;**

(d) **Expedite the process of ratifying the International Labour Organization (ILO) Indigenous and Tribal Peoples Convention, 1989 (No. 169) and formally endorse the United Nations Declaration on the Rights of Indigenous Peoples.**

Economic exploitation, including child labour

37. **Welcoming the ratification of the ILO Forced Labour Convention, 1930 (No. 29) and Domestic Workers Convention, 2011 (No. 189), the Committee reiterates its recommendation that the State party:**

(a) Expedite harmonization of its legislative framework with the international standards established in the ILO Minimum Age Convention, 1973 (No. 138) and repeal the exceptions to this Convention;

(b) Repeal legal provisions that allow children aged from 12 to 14 years to be granted work permits and regulate children's engagement in light work, particularly by defining allowed working hours and types of activities, to avoid interference with the education of working children;

(c) Take the necessary measures to ensure the enforcement of legislation on the minimum age for admission to employment, inter alia by allocating adequate human, technical and financial resources to guarantee effective labour inspection, including for unannounced inspections and inspections in the non-formal sector, and for the effective coordination, implementation and monitoring of action against child labour by the National Directorate to Combat Child Labour and Protect Adolescent Workers;

(d) Continue to seek technical assistance from the International Programme on the Elimination of Child Labour of the International Labour Office in this regard.

Sale, trafficking and abduction

38. **Welcoming the establishment of the National Committee to Combat Human Trafficking, the adoption of the national policy against trafficking in persons and the increased penalties for trafficking offences, the Committee recommends that the State party:**

(a) Amend Act No. 79 of 9 November 2011 on trafficking in persons and related activities to introduce a definition of human trafficking that is in line with the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (known as the Palermo Protocol);

(b) Allocate adequate human, technical and financial resources to allow the National Committee to Combat Human Trafficking to implement its national policy;

(c) Ensure that the draft protocol for the care of trafficking victims includes detailed guidelines on victim identification, on procedures for referral to specialized social services, and on the rehabilitation and reintegration services that child victims of trafficking are entitled to, and expedite the adoption of this protocol;

(d) Strengthen awareness-raising and capacity-building for immigration and law enforcement officials, social workers, labour inspectors, members of the judiciary and civil society organizations.

Administration of juvenile justice

39. The Committee expresses serious concern at the absence of measures taken by the State party to implement its previous recommendations (see CRC/C/PAN/CO/3-4, para. 76) to raise the age of criminal responsibility and to reinstate the provision that forbids the extension of pretrial detention.

40. **The Committee urges the State party, with reference to its general comment No. 10 (2007) on children's rights in juvenile justice, to bring its juvenile justice system fully into line with the Convention and other relevant standards. In particular, the Committee strongly recommends that the State party:**

(a) Raise the minimum age of criminal responsibility to an internationally accepted standard;

(b) Reintroduce the provision that forbids the extension of pretrial detention without exceptions;

(c) Guarantee children in conflict with the law access to qualified and independent legal aid from an early stage and throughout the legal proceedings;

(d) **Further promote non-judicial measures in the case of children accused of criminal offences, by expanding the re-education programme with measures including diversion, mediation and counselling, and by using alternative measures at sentencing such as probation or community service whenever possible;**

(e) **Ensure that detention is used as a measure of last resort and for the shortest possible period of time and that it is reviewed on a regular basis with a view to its withdrawal.**

I. Ratification of international human rights instruments

41. **The Committee recommends that the State party, in order to further strengthen the fulfilment of children's rights, consider ratifying the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.**

42. **The Committee urges the State party to fulfil its reporting obligations under the Optional Protocol to the Convention on the sale of children, child prostitution and child pornography, the reports of which are overdue as of March 2007.**

J. Cooperation with regional bodies

43. **The Committee recommends that the State party cooperate with the Organization of American States (OAS) on the implementation of the Convention and other human rights instruments, both in the State party and in other OAS member States.**

IV. Implementation and reporting

A. Follow-up and dissemination

44. **The Committee recommends that the State party take all appropriate measures to ensure that the recommendations contained in the present concluding observations are fully implemented. The Committee also recommends that the combined fifth and sixth periodic reports, the written replies to the list of issues and the present concluding observations be made widely available in the languages of the country.**

B. National mechanism for reporting and follow-up

45. **The Committee welcomes the establishment of a National Standing Committee to oversee implementation and follow-up of human rights commitments undertaken by Panama at the national and international levels, and of its subcommittee on the rights of children and young persons. It recommends that the National Standing Committee, as well as its subcommittee, function as a standing government structure mandated with coordinating and preparing reports to and engaging with international and regional human rights mechanisms, as well as with coordinating and tracking national follow-up to and implementation of treaty obligations and the recommendations and decisions emanating from such mechanisms. The Committee emphasizes that these structures should be adequately and continuously supported by dedicated staff and should have the capacity to consult systematically with the national human rights institution and civil society.**

C. Next report

46. **The Committee invites the State party to submit its seventh periodic report by 10 January 2023 and to include therein information on the follow-up to the present**

concluding observations. The report should be in compliance with the Committee's harmonized treaty-specific reporting guidelines adopted on 31 January 2014 (CRC/C/58/Rev.3) and should not exceed 21,200 words (see General Assembly resolution 68/268, para. 16). In the event that a report exceeding the established word limit is submitted, the State party will be asked to shorten the report in accordance with the above-mentioned resolution. If the State party is not in a position to review and resubmit the report, translation thereof for the purposes of consideration by the treaty body cannot be guaranteed.

47. **The Committee also invites the State party to submit an updated core document, not exceeding 42,400 words, in accordance with the requirements for the common core document contained in the harmonized guidelines on reporting under the international human rights treaties, including guidelines on a common core document and treaty-specific documents (see HRI/GEN/2/Rev.6, chap. I) and paragraph 16 of General Assembly resolution 68/268.**